

MARGARET H. WYGOCKI

IBLA 79-245

Decided January 17, 1980

Appeal from decision of the New Mexico State Office, Bureau of Land Management, rejecting oil and gas lease offer NM 35927.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases:
Applications: Drawings

An undated simultaneous oil and gas drawing entry card is properly rejected for non-compliance with 43 CFR 3112.2-1(a) which requires that the card be "fully executed."

APPEARANCES: George H. Hunker, Jr., Esq., Hunker-Fedric, P.A., Roswell, New Mexico, for appellant; Glen L. Houston, Esq., Hobbs, New Mexico, for Catherine Henry, second drawee.

OPINION BY ADMINISTRATIVE JUDGE GOSS

Margaret H. Wygocki appeals from the February 5, 1979, decision of the New Mexico State Office, Bureau of Land Management (BLM), which rejected her noncompetitive simultaneous oil and gas lease offer, NM 35927, for land in secs. 7 and 22, of T. 26 S., R. 26 E., New Mexico principal meridian, Eddy County, New Mexico. The offer was rejected for failure to comply with 43 CFR 3112.2-1(a). Such regulation requires that all drawing entry cards filed in a simultaneous drawing be "fully executed." Appellant did not enter the date in the space provided on her drawing entry card.

Appellant argues that her drawing entry was otherwise proper, that it was stamped and dated by BLM after submission, that 43 CFR 3112.2-1(a) "can be applied only through discretionary interpretation" and that since there is no identification question here, no purpose would be served by rejecting the offer. She maintains that 43 CFR 3112.2-1(a) does not explicitly require that each drawing entry card

be dated and that lack of date is an insignificant deviation which the Department may waive. Appellant requests that her drawing entry card be considered a legal offer.

[1] Failure to fully execute a drawing entry card properly results in rejection of the offer. Beverly J. Steinbeck, 27 IBLA 249 (1976) (missing zip code); Ray Flamm, 24 IBLA 10 (1976) (postdated entry card). This Board has held consistently that failure to date a drawing entry card compels rejection. Darrell J. Sekin, 40 IBLA 156 (1979); John R. Mimick, 25 IBLA 107 (1976). For the certifications incorporated in the offer to have meaning, the information contained therein must refer to facts as of a specified date. The regulation 43 CFR 3112.2-1(a) is not satisfied where required information must be deduced. Frank de Jong, 27 IBLA 313 (1976). Drawing an entry card for first priority vests no right in the offeror; the drawing merely determines which offer will be considered first. Amy H. Hanthorn, 27 IBLA 369 (1976). Accordingly, rejection of the subject card was proper.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Joseph W. Goss
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

